

Article - Criminal Procedure

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§10–103.1.

(a) For arrests or confinements occurring on or after October 1, 2007, a person who is arrested or confined by a law enforcement unit and then is released without being charged with the commission of a crime is entitled to expungement of all police records, including photographs and fingerprints, relating to the matter.

(b) Within 60 days after release of a person entitled to expungement of a police record under subsection (a) of this section, the law enforcement unit shall:

(1) search diligently for and expunge each police record about the arrest or confinement of the person; and

(2) send a notice of expungement containing all relevant facts about the expungement and underlying arrest or confinement to:

(i) the Central Repository;

(ii) each booking facility or law enforcement unit that the law enforcement unit believes may have a police record about the arrest or confinement; and

(iii) the person entitled to expungement.

(c) Within 60 days after receipt of the notice, the Central Repository, a booking facility, and any other law enforcement unit shall:

(1) search diligently for and expunge each police record about the arrest or confinement of the person; and

(2) advise in writing the person entitled to expungement of compliance with the order.

(d) (1) A police record expunged under this section may not be expunged by obliteration until 3 years after the date of expungement.

(2) During the 3-year period described in paragraph (1) of this subsection, the records shall be removed to a separate secure area to which persons who do not have a legitimate reason for access are denied access.

(3) For purposes of this subsection, a legitimate reason for accessing the records includes using the records for purposes of proceedings relating to the arrest.

(e) If a law enforcement unit, a booking facility, or the Central Repository fails to expunge a police record as required under subsection (b) or (c) of this section, the person entitled to expungement may:

- (1) seek redress by means of any appropriate legal remedy; and
- (2) recover court costs.

(f) A person who is entitled to expungement under this section may not be required to pay any fee or costs in connection with the expungement.

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